IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18543 of 2007(G)

PETITIONER:

R.K.VIJAYAKUMAR,
T.C.27/2382 (1), SREE CHAKRA, CONVENT LANE,
GENERAL HOSPITAL JUNCTION, THIRUVANANTHAPURAM.

BY ADV. SRI.A.INEES

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 18543 OF 2007 - G

Dated this the 18th day of June, 2007

J U D G M E N T

The petitioner filed an application for renewal of his stage carriage permit. According to the petitioner, the same has not been considered, but only Ext.P5 letter has been issued to the petitioner directing him to submit an application for a fresh stage carriage permit. According to him, the same does not amount to a rejection of his application and therefore, he is not in a position to file an appeal. Therefore, he challenges Ext.P5 in this writ petition.

2. After hearing learned counsel for the petitioner, I do not agree with him. Ext.P5 reads thus:-

> "Referring to the above, you are directed to submit application for fresh Stage Carriage permit in respect of KL-01/AQ 2479 on the route Pulayanarkotta-Kalady as application for renewal received after expiry of permit cannot be entertained."

3. This essentially means that the petitioner's application for renewal of the permit is rejected.

Therefore, I am of opinion that an appeal under Section 89 of the Kerala Motor Vehicles Act would lie against Ext.P5. That being so, I am not inclined to entertain this writ petition at this stage. However, it would be open to the petitioner to file an appeal against Ext.P5 before the State Transport Appellate Tribunal if he so chooses.

4. The petitioner has however another contention that he has filed an application for temporary permit by Ext.P4 and the respondent may be directed to consider the same in accordance with law. After hearing the learned Government Pleader also, I direct the respondent to consider Ext.P4 in accordance with law and pass appropriate orders, thereon.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007